

IN THE UNITED STATES DISTRICT COURT OF IOWA
NORTHERN AND SOUTHERN DISTRICTS OF IOWA

FILED
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

IN RE)
PARTIAL FEE PAYMENTS) ORDER
BY INDIGENT INMATES)

In accordance with In Re: Jewell Williamson, Civil No. 86-1382 (8th Cir. March 31, 1986), the following partial payment plan is established for inmate litigants seeking leave to proceed in forma pauperis in both the Northern and Southern Districts of Iowa.

An inmate seeking leave to proceed in forma pauperis will be required to make a one-time payment in the amount of twenty percent (20%) of his/her average monthly income in excess of eight dollars (\$8.00). The inmate's average monthly income will be computed by dividing the total income reported by the institution by the number of months contained in the period for which income was reported. For partial payment purposes, an inmate's "income" consists of the wages and/or allowances paid him or her by the institution in which that inmate is incarcerated. The inmate's average monthly income as calculated by the above formula will be listed in the order requiring partial payment.

An inmate will be afforded forty-five (45) days from the date of the partial payment order within which to either (1) make payment, (2) respond to any incorrect or misleading inferences that may be drawn from the accounting information provided by

institution officials, or (3) demonstrate special circumstances justifying payment of a lower fee or no fee. With respect to (2), the inmate will be given a reasonable opportunity to see and respond to the account information submitted by the institution officials. An inmate will be advised that failure to respond to the partial payment order in one of the above listed ways within the allotted time will result in dismissal of the inmate's complaint for failure to prosecute..

To avoid unreasonable delays in the proceedings, the Court will provisionally file the complaint and process it in the ordinary course until expiration of the time for compliance with the Court's order. Should the Court determine that the inmate cannot pay a partial filing fee, the Court will grant the inmate unconditional leave to proceed in forma pauperis.

Finally, so that the inmate will be apprised of what will be expected of him or her under the partial payment plan, the Clerk of Court is directed to attach a copy of this order to all §1983 packets provided to inmates. Moreover, the administration of each state penal institution in the State of Iowa is directed to post a copy of this order in each of the institutions' libraries and any other places deemed appropriate by prison officials within ten (10) days of the filing date of this order and place a copy of this order in each §1983 packet presently held in stock by the institution.

IT IS SO ORDERED.

May 21, 1986.

Donald E. O'Brien

DONALD E. O'Brien

Chief Judge, United States District Court
Northern District of Iowa
United States District Judge
Southern District of Iowa

Harold D. Vietor

HAROLD D. VIETOR

Chief Judge, United States District Court
Southern District of Iowa

David R. Hansen

DAVID R. HANSEN

United States District Judge
Northern District of Iowa